UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JAMES McCAMBRIDGE and SCOTT MELTON

Appeal No. 2006-1243
Application No. 09/955,690

ON BRIEF

Before OWENS, CRAWFORD, and BAHR, Administrative Patent Judges.

CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 3, 7, 9 to 11 and 15 to 17. Claims 4 to 6, 8, 12 to 14 and 18 to 20 are objected to.

The appellants' invention relates to a hair clipper attachment that is driven by the reciprocating blade of the hair clipper (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The Prior Art

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Tanaka et al. (Tanaka)	4,031,617	June 28, 1977

The Rejection

Claims 1 to 3, 7, 9 to 11 and 15 to 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer (mailed December 29, 2004) for the examiner's complete reasoning in support of the rejections, and to the brief (filed November 3, 2004) and reply brief (filed January 31, 2005) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art reference, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner has rejected the claims under 35 U.S.C. § 102(b) as being anticipated by Tanaka. The examiner's findings in regard to this rejection can be found on pages 3 to 4 of the answer. In regard to the recitation in claim 1 of a movable trimmer blade that reciprocates "in response to the reciprocation of the reciprocating blade", the examiner states:

> . . . The moveable trimmer blade 4 reciprocates in response to reciprocation of the reciprocating blade 5, 7...[answer at page 3] The blade 5 and the drive member 7 in combination create a reciprocating blade 5, 7. Therefore, the blade 5 and its reciprocating member 7 work together in order to create a reciprocating blade for the hair clipper. [answer at page 5].

Appellants argue that the examiner's finding that the blade 5 and the drive member 7 are the reciprocating blade is unreasonable because the drive member 7 is a separate element that performs a function different than the function performed by the shaver blade 5.

We agree with the examiner that the blade 5 and the drive member 7 form the reciprocating blade. In this regard we emphasis that it is the drive member 7 connected to the blade 5 which causes the reciprocating movement of the blade and as such we do not find it unreasonable to find that the blade 5 together with the drive member 7 constitute the reciprocating blade.

In addition, we note that the claims are all directed to a trimmer attachment for a hair clipper and are not directed to the hair clipper itself. Therefore, in our view, any trimmer attachment which is capable of reciprocating in response to the reciprocation of a reciprocating blade would meet the requirements of the claims. The blade 5 of Tanaka is certainly capable of reciprocating in response to the reciprocation of a reciprocating blade were it attached thereto.

In view of the foregoing, we will sustain the examiner's rejection of claim 1. We will also sustain this rejection as it is directed to claims 2, 3, 7, 9 to 11 and 15 to 17 because the appellants have not argued the separate patentability of these claims.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

TERRY J. OWENS
Administrative Patent Judge

MURRIEL E. CRAWFORD
Administrative Patent Judge

JENNIFER D. BAHR
Administrative Patent Judge

) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES

Greer, Burns, & Crain, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

MEC/ki